## 2007 DRAFTING REQUEST

Bill

Received: 01/25/2007					Received By: phurley											
Wanted: As time permits					Identical to LRB:											
For: Jim Sullivan (608) 266-2512  This file may be shown to any legislator: NO  May Contact:					By/Representing: Drafter: phurley Addl. Drafters:											
									Subject: <b>Drunk Driving - penalties</b> Submit via email: <b>YES</b>				Extra Copies:			
									Requeste	r's email: opy (CC:) to:	Sen.Sulliva	an@legis.wi	sconsin.gov			
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									Subject Submit	: <b>Drunk</b> via email: <b>YES</b>	Driving - pena	lties		Extra Copies:		
									Request	ter's email:	Sen.Sulliva	ın@legis.w	isconsin.gov			
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## 2007 DRAFTING REQUEST

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Wanted: As ti	me permits	Identical to LRB:				
For: Jim Sulli	ivan (608) 266-2512	By/Representing:	By/Representing:			
This file may	be shown to any legislator: <b>NO</b>	Drafter: phurley	Drafter: phurley			
May Contact:		Addl. Drafters:				
Subject:	Drunk Driving - penalties	Extra Copies:				
Submit via em Requester's en Carbon copy (	nail: Sen.Sullivan@legis.wisconsin.g	gov				
Pre Topic:						
No specific pr	e topic given					
Topic:		C <sub>V</sub> *		-		
Penalties for 5	th offense or higher OWI					
Instructions:						
0578/1 compa	nion bill					
<b>Drafting Hist</b>	tory:					

**Proofed** 

Submitted

**Jacketed** 

Required

Vers.

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FE Sent For:

**Drafted** 

phurley

Reviewed

**Typed** 

#### **2007 - 2008 LEGISLATURE**

LRB-0578/1 PJH:kjf:nkn

## 2007 ASSEMBLY BILL 54

January 30, 2007 – Introduced by Representatives Staskunas, Ziegelbauer, Kerkman, Hubler, Black, Jeskewitz, Hahn, Benedict, Gundrum, Hebl, Mason, Berceau, Gunderson, Wasserman, Cullen, Molepske, Fields, Lothian and Hraychuck, cosponsored by Senators Sullivan, Roessler, Leibham, Breske, Darling, Grothman, Coggs and Kedzie. Referred to Committee on Judiciary and Ethics.

AN ACT to amend 48.685 (5) (bm) 4., 346.65 (2) (am) 5., 346.65 (2) (f), 346.65 (2c)

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and 346.65 (7); and *to create* 346.65 (2) (am) 6. and 346.65 (2) (am) 7. of the statutes; **relating to:** repeat drunken driving offenders and providing a penalty.

### Analysis by the Legislative Reference Bureau

Under current law, a person who commits his or her sixth or subsequent offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class H felony and may be fined not less than \$600 nor more than \$10,000 and imprisoned for not less than six months nor more than six years, or both.

Under this bill, the same penalty applies for a person who commits his or her sixth or seventh offense related to drunken driving or driving under the influence of an intoxicant or other drug. A person who commits his or her eighth, ninth, or tenth offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class G felony and may be fined not more than \$25,000 and imprisoned for not more than ten years or both. A person who commits his or her 11th or subsequent offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class F felony and may be fined not more than \$25,000 and imprisoned for not more than 12 years and six months or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

### **ASSEMBLY BILL 54**

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

## The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

**SECTION 1.** 48.685 (5) (bm) 4. of the statutes is amended to read:

48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 125.075 (1), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5), or (6), 940.20, 940.203, 940.205, 940.207, or 940.25, a violation of s. 346.63 (1), (2), (5), or (6) that is a felony under s. 346.65 (2) (am) 5., 6., or 7., or (f), (2j) (d), or (3m), or an offense under ch. 961 that is a felony, if committed not more than 5 years before the date of the investigation under sub. (2) (am).

**SECTION 2.** 346.65 (2) (am) 5. of the statutes is amended to read:

346.65 (2) (am) 5. Except as provided in pars. (f) and (g), is guilty of a Class H felony and shall be fined not less than \$600 and imprisoned for not less than 6 months if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations and other convictions counted under s. 343.307 (1), equals 5 or more 6, except that suspensions, revocations or convictions arising out of the same incident or occurrence shall be counted as one.

**SECTION 3.** 346.65 (2) (am) 6. of the statutes is created to read:

346.65 (2) (am) 6. Except as provided in par. (f), is guilty of a Class G felony if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1), equals 7, 8, or 9, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one.

**SECTION 4.** 346.65 (2) (am) 7. of the statutes is created to read:

### **ASSEMBLY BILL 54**

346.65 (2) (am) 7. Except as provided in par. (f), is guilty of a Class F felony if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1), equals 10 or more except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one.

**Section 5.** 346.65 (2) (f) of the statutes is amended to read:

346.65 (2) (f) If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63 (1), the applicable minimum and maximum forfeitures, fines, or imprisonment under par. (am) for the conviction are doubled. An offense under s. 346.63 (1) that subjects a person to a penalty under par. (am) 3., 4., or 5., 6., or 7. when there is a minor passenger under 16 years of age in the motor vehicle is a felony and the place of imprisonment shall be determined under s. 973.02.

**SECTION 6.** 346.65 (2c) of the statutes is amended to read:

346.65 (2c) In sub. (2) (am) 2., 3., 4., and 5., 6., and 7., the time period shall be measured from the dates of the refusals or violations that resulted in the revocation or convictions. If a person has a suspension, revocation, or conviction for any offense under a local ordinance or a state statute of another state that would be counted under s. 343.307 (1), that suspension, revocation, or conviction shall count as a prior suspension, revocation, or conviction under sub. (2) (am) 2., 3., 4., and 5, 6., and 7.

**SECTION 7.** 346.65 (7) of the statutes is amended to read:

346.65 (7) A person convicted under sub. (2) (am) 2., 3., 4., or 5., 6., or 7. or (2j) (am) 2. or 3. shall be required to remain in the county jail for not less than a 48-consecutive-hour period.

### **Duerst, Christina**

From:

Swentkofske, Matthew

Sent:

Friday, February 02, 2007 3:11 PM

To:

LRB.Legal

Subject:

Draft Review: LRB 07-1683/1 Topic: Penalties for 5th offense or higher OWI

Please Jacket LRB 07-1683/1 for the SENATE.

## **2007 SENATE BILL 116**

Colon A

March 27, 2007 – Introduced by Senators Sullivan, Roessler, Leibham, Breske, Darling, Grothman, Coggs and Kedzie, cosponsored by Representatives Staskunas, Ziegelbauer, Kerkman, Hubler, Black, Jeskewitz, Hahn, Benedict, Gundrum, Hebl, Mason, Berceau, Gunderson, Wasserman, Cullen, Molepske, Fields, Lothian and Hraychuck. Referred to Committee on Judiciary and Corrections.

AN ACT to amend 48.685 (5) (bm) 4., 346.65 (2) (am) 5., 346.65 (2) (f), 346.65 (2c)

and 346.65 (7); and to create 346.65 (2) (am) 6. and 346.65 (2) (am) 7. of the statutes; relating to: repeat drunken driving offenders and providing a penalty.

Analysis by the Legislative Reference Bureau,

Under current law, a person who commits his or her sixth or subsequent offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class H felony and may be fined not less than \$600 nor more than \$10,000 and imprisoned for not less than six months nor more than six years, or both. Under this bill, the same penalty applies for a person who commits his or her

Sixth or seventh offense related to drunken driving or driving under the influence of an intoxicant or other drug. A person who commits his or her eighth, ninth, or tenth offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class G felony and may be fined not more than \$25,000 and imprisoned for not more than ten years or both. A person who commits his or her 11th or subsequent offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class F felony and may be fined not more than \$25,000 and imprisoned for not more than 12 years and six months or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

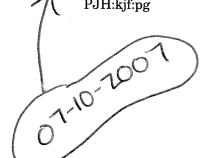
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# State of Wisconsin 2007 - 2008 LEGISLATURE

**CORRECTED COPY** 

LRB-1683/1 PJH:kjf:pg



## **2007 SENATE BILL 116**

March 27, 2007 - Introduced by Senators Sullivan, Roessler, Leibham, Breske, Darling, Grothman, Coggs and Kedzie, cosponsored by Representatives Staskunas, Ziegelbauer, Kerkman, Hubler, Black, Jeskewitz, Hahn, Benedict, Gundrum, Hebl, Mason, Berceau, Gunderson, Wasserman, Cullen, Molepske, Fields, Lothian and Hraychuck. Referred to Committee on Judiciary and Corrections.

AN ACT to amend 48.685 (5) (bm) 4., 346.65 (2) (am) 5., 346.65 (2) (f), 346.65 (2c)
and 346.65 (7); and to create 346.65 (2) (am) 6. and 346.65 (2) (am) 7. of the
statutes; relating to: repeat drunken driving offenders and providing a
penalty.

### Analysis by the Legislative Reference Bureau

Under current law, a person who commits his or her fifth or subsequent offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class H felony and may be fined not less than \$600 nor more than \$10,000 and imprisoned for not less than six months nor more than six years, or both.

Under this bill, the same penalty applies for a person who commits his or her fifth or sixth offense related to drunken driving or driving under the influence of an intoxicant or other drug. A person who commits his or her seventh, eighth, or ninth offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class G felony and may be fined not more than \$25,000 and imprisoned for not more than ten years or both. A person who commits his or her tenth or subsequent offense related to drunken driving or driving under the influence of an intoxicant or other drug is guilty of a Class F felony and may be fined not more than \$25,000 and imprisoned for not more than 12 years and six months or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a